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August 28, 2008

To: Supervisor Yvonne B. Burke, Chair
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From: William T Fujioka
Chief Executive Officer

MOTION TO OPPOSE S. 3069 AND H.R. 6156, THE EASTERN SIERRA AND NORTHERN SAN GABRIEL WILD HERITAGE ACT, UNLESS AMENDED (ITEM NO. 12, AGENDA OF SEPTEMBER 2, 2008)

Item No. 12 on the September 2, 2008 Agenda is a motion by Supervisor Antonovich to send a five-signature letter to the Southern California Congressional Delegation to oppose S. 3069 and H.R. 6156, unless amended to include language to ensure that the Los Angeles County Fire Department retains its ability to implement fire prevention, control, and suppression activities in designated Wilderness Areas within Los Angeles County, and instruct the County's Washington, D.C. advocates to pursue this position on the legislation.

Summary of S. 3069 and H.R. 6156

S. 3069 (Boxer) and H.R. 6156 (McKeon), the Eastern Sierra and Northern San Gabriel Wild Heritage Act, would designate roughly 473,000 acres of public land in California as "wilderness areas," including two areas in the Angeles National Forest located near unincorporated communities in Los Angeles County:

1. **Magic Mountain Wilderness**, bounded by Soledad Canyon Road on the north, the community of Sand Canyon on the west, the Santa Clara Truck Trail on the south, and the Indian Canyon Truck Trail on the east; and

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2. **Pleasant View Ridge Wilderness**, bounded by the community of Juniper Hills, Devil's Punchbowl Natural Area, and the community of Paradise to the north, the Alimony Truck Trail and Little Rock Truck Trail to the west, and the Angeles Crest Highway to the south.

Under Federal law, "wilderness" is defined as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." A higher level of protection is afforded to designated wilderness areas, including prohibitions on the construction of roads, use of motor vehicles and motorized equipment, landing of aircraft, building of new structures, and commercial enterprises, except as needed to support allowable recreational and visitor activities. Management activities to maintain or restore fish and wildlife population and habitats in wilderness areas are allowed if they are consistent with wilderness management plans, guidelines, and policies.

Impact of Wilderness Designation

The County's Department of Parks and Recreation (DPR) indicates that the proposed Pleasant View Ridge Wilderness Area would cross over the lower southern portion of the Devil's Punchbowl Natural Area, which is operated by DPR, and that the proposed designation would not have a significant impact on its management of the area. The Department of Regional Planning indicates that the legislation would not have any direct impact on its current planning activities and that the bill is consistent with the Open Space and Recreation Elements of the County's General Plan because the wilderness designation would provide greater protection to the environmental and recreational resources of their respective areas.

The County's Fire Department had some preliminary concerns that the proposed Magic Mountain and Pleasant View Ridge Wilderness Areas are highly flammable areas which are unlike most national forest, recreation, and wilderness areas because they are located in a high-density urban environment. The dry Southern California climate, rugged terrain, and unpredictable wind conditions also pose major challenges in the prevention and control of wildfires. The prohibitions on road construction and the use of mechanized equipment, including firefighting equipment and bulldozers, would limit the ability of fire agencies to prevent, control, and suppress wildfires in newly designated wilderness areas. The Fire Department indicates that the U.S. Forest Service, the Federal agency responsible for fire management and suppression in the Angeles National Forest, shares its concerns. Under a mutual aid agreement, the County's Fire Department shares responsibility for fire control and suppression activities in the Angeles National Forest.

The County's Washington, D.C. advocates indicate that Senator Boxer's and Representative McKeon's staff have become aware of the potential adverse impacts of wilderness designation on fire prevention and suppression in fire-prone areas near

urbanized residential areas. To address the Fire Department's concerns, they now are supportive of amending the legislation to include fire protection language from H.R. 3682 (Bono, R-CA), a House-passed Riverside County wilderness bill, which would authorize the Secretary of Agriculture to take measures to control and prevent fire, prepare local fire management plans that identify appropriate local officials for fire prevention, and delegate firefighting authority to an appropriate State or local agency in wilderness areas designated in the bill. The County's Fire Department and this office believe that this language would enable fire agencies, including the County's, to retain their ability to carry out needed fire prevention, control, and suppression activities in designated wilderness areas in the County. Senator Boxer's and Representative McKeon's staff also are considering altering the legislation to scale back the wilderness area boundaries in the County to provide a quarter mile buffer zone between the wilderness areas and residential structures.

Unlike State legislation, a Federal bill cannot be unilaterally amended by its author, which means that any amendment to the Boxer-McKeon legislation would have to be adopted in committee or on the floor. Our Washington, D.C. advocates advise that Boxer's and McKeon's staff are exploring how to amend and move their legislation with Committee staff.

The Fire Department, Department of Regional Planning, and this office recommend that the Board support S. 3069, H.R. 6156, or similar legislation, which would designate new wilderness areas in Los Angeles County, if amended to include language which would ensure that the County's Fire Department will retain their ability to implement fire prevention, control, and suppression activities in wilderness areas in the County.

This revised language adds the phrase, "or similar legislation," because another bill other than S. 3069 or H.R. 6156 may be used as a vehicle for wilderness legislation. If this motion were adopted, the County's Washington, D.C. advocates could support amending the fire protection language similar to H.R. 3682 or other language which would enable the County Fire Department to retain its ability to carry out fire prevention, control, and suppression activities in wilderness areas in the County into wilderness legislation.

Legislative Status and Outlook

S. 3069 and H.R. 6156 are companion bills, which were introduced on May 22, 2008. Neither bill has been scheduled for mark-up yet by the committees with jurisdiction over wilderness issues though the Senate Energy and Natural Resources Committee held an informational hearing on S. 3069 on July 16, 2008. H.R. 6156 was referred to the House Natural Resources Committee.

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Congress is on recess until September 8, 2008, and is expected to adjourn by the end of September, leaving little time for the Boxer-McKeon legislation to be amended and passed by both houses. To move the bill, it might be amended into an omnibus public lands/wilderness bill together with other bills, such as H.R. 3682, which are awaiting Senate action.

WTF:GK
MAL:MT:ja

c: Executive Officer, Board of Supervisors
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